

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARL A. BLACKWELL	:	CIVIL ACTION
	:	
v.	:	
	:	
PENNSYLVANIA DEPARTMENT OF	:	
CORRECTIONS, et al.	:	NO. 12-987

ORDER

AND NOW, this 9th day of January, 2013, upon consideration of (a) the unopposed motion to dismiss filed by defendants John Wetzel, John Kerestes, Brenda Tritt, Richard Ellers, and Marva Cerullo ("Commonwealth Defendants") (Docket No. 16); (b) the unopposed motion to dismiss filed by defendant Prison Health Service (Docket No. 23); and (c) the unopposed motion for judgment on the pleadings filed by Dr. John Lisiak (Docket No. 21), and after the pro se plaintiff, a former prison inmate who has since been released, failed to appear at an oral argument scheduled for October 26, 2012, IT IS HEREBY ORDERED, for the reasons stated in a memorandum of law bearing today's date, that the defendants' motions are GRANTED. IT IS FURTHER ORDERED that:

1. The plaintiff's claims against the Commonwealth Defendants and Prison Health Service are DISMISSED without prejudice. The plaintiff may file an amended complaint to replead his claims against those defendants within thirty (30) days of the date of this Order.

2. Judgment is hereby ENTERED in favor of defendant Dr. John Lisiak and against the plaintiff. The plaintiff may not re-plead his Eighth Amendment claim against Dr. Lisiak.

BY THE COURT:

/s/ Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.